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10/686,425	10/15/2003	Stephen J. Anderson	13325-005001	7292
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1 UNITED STATES PATENT AND TRADEMARK OFFICE

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3  
4 BEFORE THE BOARD OF PATENT APPEALS  
5 AND INTERFERENCES  
6

7  
8 *Ex parte* STEPHEN J. ANDERSON,  
9 KELLY MURRAY,  
10 CHRISTINA VOGEL,  
11 DAVID GILBERTSON,  
12 BRUCE LARSEN,  
13 GARY ON,  
14 CHRISTOPHER WOOLEY,  
15 PATRICIA HINES,  
16 and SHAWN MCCAIG  
17

18  
19 Appeal 2010-009366  
20 Application 10/686,425  
21 Technology Center 3600  
22

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24  
25 Before MURRIEL E. CRAWFORD, ANTON W. FETTING, and  
26 JOSEPH A. FISCHETTI, *Administrative Patent Judges*.  
27 FETTING, *Administrative Patent Judge*.

28 DECISION ON APPEAL

STATEMENT OF THE CASE<sup>1</sup>

Stephen J. Anderson, Kelly Murray, Christina Vogel, David Gilbertson, Bruce Larsen, Gary On, Christopher Wooley, Patricia Hines, and Shawn McCaig (Appellants) seek review under 35 U.S.C. § 134 (2002) of a final rejection of claims 1-46, the only claims pending in the application on appeal. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

The Appellants invented a way for the delivery of planning information and consulting materials, research, and compliance information through the use of an interactive, graphical interface. (Specification 1:8-11).

An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below [bracketed matter and some paragraphing added].

1. A method comprising:

[1a] presenting an interactive, graphical depiction  
of a form  
through a computer network

and

[1b] allowing for selection  
of a desired location on the form,

[1c] wherein the form is a document

with one or more areas for insertion of information;

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<sup>1</sup> Our decision will make reference to the Appellants' Appeal Brief ("App. Br.," filed January 13, 2010) and Reply Brief ("Reply Br.," filed April 23, 2010), and the Examiner's Answer ("Ans.," mailed February 23, 2010).

[2] receiving a request for information  
relating to a location on the form selected by a user,  
the selection and the request being made through  
interaction with the graphical depiction of the form;  
and  
[3] delivering information to the user through the network in  
response to the request,  
wherein the delivered information includes at least one of  
the following relating to the selected form location:  
planning information,  
consulting materials,  
research,  
and  
compliance information.

The Examiner relies upon the following prior art:

LeBrun                      US 5,191,525              Mar. 2, 1993

Frank                      US 7,117,199 B2      Oct. 3, 2006

Claims 1-46 stand rejected under 35 U.S.C. § 103(a) as unpatentable  
over Frank and LeBrun.<sup>2</sup>

## ISSUES

The issue of obviousness turns primarily on whether one of ordinary  
skill would have found it predictable from Frank to query a graphic image  
for information about the image contents by clicking on the graphic.

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<sup>2</sup> A rejection of claims 1-46 under 35 U.S.C. § 112, second paragraph, as  
failing to particularly point out and distinctly claim the invention, stands  
withdrawn. Ans. 9.

FACTS PERTINENT TO THE ISSUES

The following enumerated Findings of Fact (FF) are believed to be supported by a preponderance of the evidence.

*Facts Related to the Prior Art*

*Frank*

01. Frank is directed to a computer system that presents a map interface to a user, the invention enables a user, among other things, to pose a query via the map interface and to be able to inspect a representation of the query results arranged on the map as icons. The map and the icons are responsive to further user actions, including changes to the scope of the map, changes to the terms of the query, or closer examination of a subset of the results. The targets of the queries are documents related in some manner to the geographic location selected by the query. Frank 1:32-67.

02. One of ordinary skill knew there were many tools available for organizing and accessing documents through different interfaces that help users find information. Some of these tools allow users to search for documents matching specific criteria, such as containing specified keywords. Some of these tools present information about geographic regions or spatial domains, such as driving directions presented on a map. Frank 1:20-27.

03. Frank shows a geographic form containing a world map with the interface discussed *supra*. Frank Fig. 2. The fields in the form are made from electronic notes described at Frank 12:26-62.

04. A map need not represent a domain that physically exists; the map may represent something that is itself a representation, such as a virtual layout of a planned housing development. Still more abstractly, the map may represent entities in a spatial layout where the spatial dimensions do not correspond to physical spatial dimensions. Frank 7:7-16.

05. As is common in the art, Frank's GUI includes a pointer symbol responsive to the user's manipulation of a pointing device. The pointer symbol is superimposed on the GUI contents. The GUI is also responsive to a click event generated by the user. The client process receives click events and the position of the pointer symbol from the operating system of the computing device. Frank 6:18-29.

*LeBrun*

06. LeBrun is directed to image based document processing for converting paper documents into electronic data and electronic images and managing the transactions initiated by those documents using both the images and data extracted from the images by allowing user interaction with the electronically captured document. LeBrun 1:7-14.

07. LeBrun's Figs. 4-6 show exemplary tax forms.

08. It was known to those of ordinary skill there was a need to manage business transactions as detailed on form documents requiring human judgment initiated by the documents and supply the captured data and image for use in the processing of a

transaction, such as adjudicating an insurance claim or underwriting a loan application in the usual course of business. LeBrun 1:25-31.

09. After identification of a document, LeBrun can electronically carve and read specific data fields automatically. Human operators key correct the data for automatic auditing. This permits less skilled operators to specialize, thereby requiring less training of these relatively unskilled operators. LeBrun 2:63 – 3:2.

10. After document identification is complete, graphical data areas are carved for recognition and correction if necessary. A chosen identification area presently existing on the document is used as a geographical reference point for the entire spatial image of the document. All other graphical data areas on the document are carved in reference to the identification area located by the processing system. LeBrun 3:62-67.

#### ANALYSIS

We are unpersuaded by Appellants' argument that the Frank patent has absolutely nothing to do with a graphical depiction of a "form" (i. e., a graphical depiction of a document with one or more areas for insertion of information), as recited in the claims or there would have been absolutely no reason to replace Frank's graphical map interface with a digital image of a tax or other form as disclosed by LeBrun. Appeal Br. 7-8. Appellants present several arbitrary hypothetical combinations of the references to support their contention that no combination would have been considered by one of ordinary skill.

1        These arguments appear to be an attempt to sidestep the Examiner's  
2        rationale. LeBrun shows the necessity for entering and retrieving  
3        information about what each component in a form represents. Simply put,  
4        those entering data into the forms have to have a means for knowing what  
5        the various fields represent so they can audit the data.<sup>3</sup> FF 06-08. So  
6        LeBrun's operators need some means for querying for information about a  
7        field that has some geographic relationship to the overall form. LeBrun  
8        explicitly describes using geographic features of the form to automatically  
9        determine where each field is and what it represents. FF 09-10.

10       Frank shows that it was known in the graphical user interface (GUI)  
11       arts to present a GUI laid out based on the geography of the form being  
12       portrayed. FF 01-05. Frank's world map is itself actually a form<sup>4</sup> (FF 03)  
13       albeit not a tax form as disclosed but not recited in the instant claim 1.

14       But, the Examiner applies LeBrun's tax forms necessitating some  
15       geographic representation anyway, at least to show an example of such a  
16       form with a reason it might need a GUI such as in Frank. Thus, Frank  
17       provides a geographic GUI taking advantage of LeBrun's geographic layout  
18       data. Frank describes its applicability to forms not directly related to physical  
19       earth geography, but rather some geometric abstraction. FF 04. Thus, one  
20       of ordinary skill would have known that Franks had applicability to any  
21       form that had associated geographic format data.

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<sup>3</sup> Some terms of art for such information in GUI environments are tool tips  
and balloon help.

<sup>4</sup> See limitation [1c] of claim 1.



CONCLUSIONS OF LAW

The rejection of claims 1-46 under 35 U.S.C. § 103(a) as unpatentable over Frank and LeBrun is proper.

DECISION

The rejection of claims 1-46 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2007).

AFFIRMED

JRG